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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/104,942	06/25/1998	JOEL R SPIEGEL	120087.404	4921

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 02/05/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/104,942

Applicant(s)

SPIEGEL ET AL.

Examiner

JAGDISH N PATEL

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-39 and 73-80 is/are allowed.
- 6) ☐ Claim(s) 40-67, 72 and 81-84 is/are rejected.
- 7) ☐ Claim(s) 68-71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment filed 12/31/01.
2. Claims 7, 29, 40, 45, 54-56 and 68-70 have been amended per request.

Response to Arguments

3. The applicant's argument regarding originally presented claims 1-6 and amended claims 7, 29, 40 and 45 (and dependent claims thereof) are persuasive and accordingly rejections of these claims (claims 1-58 and 73-84) have been withdrawn.
4. The applicant's argument regarding independent claims 40, 45 and 59 rejections have been fully considered but they are not persuasive.

Regarding claims 40 and 45 and related dependent claims (claims 40-58), the applicant's arguments that "the applicants' commerce contexts provide access to multiple commerce electronic contexts for a single vendor". However, claims 40 and 45 fail to clearly recite this distinction from the cited prior art. Claim 40, for example, recites: "providing a plurality of electronic commerce context for use in conducting electronic commerce between the user and the vendor" and "receiving from user a selection of one of the plurality of electronic commerce contexts". The claim fails to establish relationship of the vendor and the selected context

as per argument forwarded by the applicant. Chelliah provides a plurality of electronic commerce contexts (collection of suppliers of goods and services) which are used in conducting electronic commerce between the user and a vendor as discussed in prior office action.

The examiner suggests that the applicant amend the subject claims to clearly recite that the plurality of the electronic commerce are provided for use in conducting electronic commerce with the vendor (similar to amended claim 7).

Regarding claims 59-72 , the applicant argues that Yagasaki reference neither teaches nor suggests the technique claimed by applicants for selecting interaction contexts or interacting with a user based on a selected interaction context. The examiner disagrees with this analysis because claim 59 claims "selecting one of interaction context for a user" without further limiting the application of "interaction context" to support the arguments presented. A broad and reasonable interpretation of the term "selecting one of a plurality of interaction context for user" is that selection (by a terminal 20) of a one of the categories of products (interaction contexts) presented to the user is performed by a terminal or a server when the user interacts with one of categories presented to him. The applicant, furthermore, asserts that " the applicant's technique of "selecting one of a plurality of interaction context for a user" is not similar to a search engine". However, this assertion is not validated *in view of the*

limitations recited in claim 59. Claims 59 and dependent claims 60-72 remain rejected as per previous office action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 45-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 45 recites in preamble "A method for maintaining information relating to conducting electronic commerce with a vendor..". However, the limitations of the claims are directed to a method of conducting electronic commerce between the user and the vendor.

Dependent claims 46-58 inherit the same deficiency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 40, 41, 45-46, 48-53 and 58 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chelliah et al. (US Pat. 5,710,887) (hereafter Chelliah).

Claim 40. Chelliah discloses a computer-readable medium containing instructions for causing a computer system to conduct electronic commerce between a user and a vendor comprising:

providing a plurality of electronic commerce contexts (a plurality of store fronts 14) for use in conducting electronic commerce between the user and the vendor (...enters a particular electronic store... col. 6 L 37-39) (Chelliah, choice of "electronic storefronts 14" , Fig. 1 and col. 6 L 5-36, plurality of electronic commerce contexts are a plurality of storefronts 14);

receiving from the user a selection of one of the plurality of electronic commerce contexts (col. 6 L 37-40, customer selects a particular store by selecting its store front);

after receiving the selection of the one of the plurality of electronic commerce contexts, conducting electronic commerce between the user and the vendor in the selected electronic commerce context (col. 6 L 44-48, note that the customer conducts electronic commerce in the selected store front).

Claims 41: refer to previous office action for text of claim 41.

Claim 45. : Chelliah teaches a method for maintaining information relating to conducting electronic commerce, the method comprising:

selecting one of a plurality of electronic commerce contexts for use in conducting electronic commerce between the user and the vendor (col. 6 L 37-43, user selects a store front 14 to conduct e-commerce with the store); and

after selecting an electronic commerce context, conducting electronic commerce between the user and the vendor(col. 6 L 44-48,to complete the transaction..);

whereby the conducted electronic commerce is associated with the selected electronic commerce context and whereby the user can have a plurality of electronic commerce contexts (the electronic commerce context is storefront

14, selected by Internal commerce subsystem 16 (representing a plurality of commerce contexts) to represent the store's interactions with the customer, col. 6 L 40-43).

Claims 46, 48-53 and 58: refer to previous office action for analysis of dependent claims 46, 48-53 and 58.

9. Claims 59-60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yagasaki (US Pat. 6,125,353) (hereafter Yagasaki).

Claim 59. Yagasaki teaches a method for interacting with a computer, the method comprising:

selecting one of a plurality of interaction contexts for a user (refer to Figure 1, item 21, which is a product search screen data which includes categories of products 21a selected for user , also refer to Fig. 9 item s3)

after selecting an interaction context, interacting with the user, whereby the interacting is associated with the selected interaction context (col. 4 L 12-24)).

Refer to previous office action for analysis of dependent claim 60.

10. Claims 42-44 stand rejected under 35 U.S.C. 103 (a) over Chelliah in view of Leroy as explained in prior office action.

11. Claim 47 stand rejected under 35 U.S.C. 103 (a) over Chelliah in view of Hartman as explained in prior office action.

12. Claims 61-67 and 72 stand rejected under 35 U.S.C. 103 (a) over Yagasaki in view of Hartman as explained in prior office action.

Allowable Subject Matter

13. Claims 1-39 and 73-80 are allowed.

14. Claims 68-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax

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number for Formal or Official faxes to Technology Center 2100 is (703) 746-7239 or 7238. Draft or Informal faxes for this Art Unit can be submitted to (703) 746-7240. **Draft faxes may also be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.
JNP 12/30/01



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.